THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2441 of 2007

08.3.2007

Between:

Dommu Simhachalam, S/o.Mahalakshmi
And others

... Petitioner

AND

The Secretary, Government of Andhra Pradesh,
Pranchayat Raj Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2441 of 2007

ORDER:

The petitioners are residents of Indrapalem village of Kakinada Rural Mandal in East Godavari District. They are eking out livelihood by doing mutton business by constructing thatched sheds about three furlongs away to the Village. They allege that there is no hindrance to others, but the third respondent is raising objection for doing mutton business on the road margin and also trying to interfere with the business activity. Therefore, they seek appropriate writ of Mandamus.

Learned Standing Counsel for the third respondent Gram Panchayat after getting instructions, submits that the petitioners encroached road margin and by raising thatched shed carrying on chicken and mutton business. Due to these encroachments in the road margin, road has become narrow causing traffic congestion. The Department of Road and Buildings took up road widening work at an estimated cost of Rs.1.31 crores from Indrapalem Bridge to Cheediga Bridge with a distance of 1.5 KMs. In view of this, all the encroachers voluntarily removed their encroachments and shifted their business to the market place. The petitioners without approaching the Gram Panchayat for providing alternate place for business filed the present writ petition.

As rightly contended by the learned Standing Counsel, petitioners have no right to occupy the road margin. If the petitioners seek alternate land for their business, they may approach the Gram Panchayat. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

March 08, 2007 (**V.V.S.RAO,J**)
YS